

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN T. ENSMINGER,

Plaintiff,

v.

CITY OF SPOKANE, COUNTY OF
SPOKANE, PUBLIC DEFENDERS
OFFICE, THOMAS KRZYMINSKI
and STEVEN REICH,

Defendants.

NO: 2:16-CV-0370-TOR

ORDER OF DISMISSAL

BEFORE THE COURT is Plaintiff's Motion to Dismiss (ECF No. 8) and the Magistrate Judge's Report and Recommendation for the same (ECF No. 9). Because Defendants has neither filed an answer nor moved for summary judgment, Plaintiff has an absolute right to voluntarily dismiss this case. Fed. R. Civ. P. 41(a)(1)(A)(i). There being no reason to delay the entry of this Order,

ACCORDINGLY, IT IS HEREBY ORDERED:

The Magistrate Judge's Report and Recommendation (ECF No. 9) is


1 accepted. All Plaintiff's claims and causes of action in this matter are
2 **DISMISSED** without prejudice and without costs or fees to any party. Plaintiff's
3 application to proceed *in forma pauperis* is denied as moot.

4 The District Court Executive is directed to enter this Order, forward a copy to
5 Plaintiff and **CLOSE** the file.

6 **DATED** January 17, 2017.



9
10
11
12
13
14
15
16
17
18
19
20


THOMAS O. RICE
Chief United States District Judge

e